IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.MC.No. 775 of 2007()

C.R.NO.34 OF 2006 OF MULLAPPALLY EXCISE RANGE

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PETITIONER: ACCUSED

SURESH BABU, S/O.RAJAN K.K.,
PADAPPANAM POIKAYIL HOUSE, PADIMON P.O.,
MALLAPPALLY, THIRUVALLA.

BY ADV. SRI.P.HARIDAS

RESPONDENTS: STATE/COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. EXCISE INSPECTOR, MALLAPPALLY EXCISE RANGE.

3. ASSISTANT EXCISE COMMISSIONER, PATHANAMTHITTA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.775 of 2007

Dated this the 20th day of March, 2007

ORDER

The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of Crime No.34 of 2006 of Mallappally Excise Range against the petitioner are hereby quashed.

(R.BASANT, JUDGE)

rtr/-